

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:16-CR-172-
	§	SDJ-CAN
JASON RYAN SANFORD (1)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant Jason Ryan Sanford's ("Defendant") supervised release. This matter was referred to the Court for a report and recommendation, and the Court conducted a hearing on April 3, 2023, to determine whether Defendant violated his supervised release. Defendant was represented by Mike Pannitto of the Federal Public Defender's Office. The Government was represented by Assistant United States Attorney Sean Taylor.

Defendant was sentenced on October 4, 2017, before The Honorable Marcia A. Crone of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine, a Class C felony. This offense carried a statutory maximum imprisonment term of not more than 20 years. The guideline imprisonment range, based on a total offense level of 23 and a criminal history category of II, was 51 to 63 months. Defendant was subsequently sentenced to 63 months imprisonment to run consecutive to the Dallas County Case No.: F1534458, F1512683, MB1534890, MA1513610 and the Denton County Case No.: F16-2421-367, followed by a three year term of supervised release subject to the standard conditions of release, plus special conditions to include submission of requested financial information, testing and treatment for alcohol and drug abuse, mental health treatment, and a \$100 special assessment. On November 3, 2022, Defendant completed his period of

imprisonment and began service of the supervision term. On February 9, 2023, the case was reassigned to The Honorable Sean D. Jordan.

On February 10, 2023, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 39, Sealed]. The Petition asserts that Defendant violated four (4) conditions of supervision, as follows: (1) You must not commit another federal, state or local crime; (2) You must not unlawfully possess a controlled substance; (3) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed; and (4) You must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing [Dkt. 39 at 1-2, Sealed].

The Petition alleges that Defendant committed the following acts: (1) (2) On February 6, 2023, Officers with the Aubrey, Texas, Police Department observed a black Nissan Altima operating with an altered license plate. The officer observed the license plate to be drawn on with a dark colored marker. The officer initiated a traffic stop, exited the patrol vehicle, and walked to the passenger side of the vehicle to make contact. The officer approached the passenger side window and observed the male in the front passenger seat, identified as Defendant, dumping an unknown substance into a white cup then immediately he opened the door and poured the drink onto the ground. Based on his experience and training, the officer reasonably believed the substance to be methamphetamine. Defendant was ordered to exit the vehicle and was placed into handcuffs. Backup officers were called to the scene, retrieved the substance from the ground and

submitted a field test which was positive for methamphetamine. A search of the vehicle located additional broken pieces of a crystal-like substance and an open bottle of an alcoholic beverage. Defendant stated the vehicle and the alcoholic beverage were his. Defendant was arrested for Tamper/Fabricate Physical Evidence W/Intent to Impair and Possession of a Controlled Substance PG 1/1B>1G<4G. He was booked into the Denton County Jail and held with a \$5,000.00 bond on each case. As of this writing, these charges are still pending and he remains in custody; (3) On or about November 7, 2022, Defendant was instructed to submit an online monthly report through our agency's Electronic Reporting System (ERS) no later than the 5th of each month. Defendant failed to submit his ERS monthly report between February 1 and February 5, 2023; and (4) Defendant failed to submit a random drug test at McCary Counseling in Denton, Texas, on January 21, 2023, as part of the U.S. Probation Office's Random Drug Testing program. Defendant failed to attend his substance abuse evaluation at McCary Counseling in Denton, Texas, on January 25, 2023, and December 9, 2022 [Dkt. 39 at 1-2, Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to allegations 3 and 4 of the Petition. The Government dismissed allegations 1 and 2. Having considered the Petition and the plea of true to allegations 3 and 4, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court [Dkts. 49; 50].

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to

be imprisoned for an additional term of imprisonment of eight (8) months, with no term of supervised release to follow.

The Court also recommends that the Defendant be housed in a Bureau of Prisons facility in the Texarkana, Texas area, if appropriate.

SIGNED this 26th day of April, 2023.

A handwritten signature in black ink, appearing to read 'C. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE